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Letter dated 20 October 2011 from the Secretary-General addressed to the President of the Security Council

I have the honour to draw your attention to Security Council resolution 1966 (2010) of 22 December 2010 establishing the International Residual Mechanism for Criminal Tribunals and to the statute of the Mechanism annexed thereto.

Article 8 of the statute provides that the Mechanism shall have a roster of 25 independent judges, not more than 2 of whom may be nationals of the same State. The judges shall only be present at the seats of the branches of the Mechanism as necessary at the request of the President to exercise the functions requiring their presence and shall not receive any remuneration or other benefits for being on the roster. The terms and conditions of service of the judges for each day on which they exercise their functions for the Mechanism shall be those of the judges ad hoc of the International Court of Justice.

Article 10, paragraph 1, of the statute provides that the judges of the Mechanism shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

(a) The Secretary-General shall invite nominations for judges, preferably from among persons with experience as judges of the International Tribunal for the Former Yugoslavia or the International Criminal Tribunal for Rwanda, from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;

(b) Within 60 days of the date of the invitation of the Secretary-General, each State may nominate up to two candidates meeting the qualifications set out in article 9, paragraph 1, of the statute;

(c) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received, the Security Council shall establish a list of not less than 30 candidates, taking due account of the qualifications set out in article 9, paragraph 1, and adequate representation of the principal legal systems of the world;

(d) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list, the General Assembly shall elect 25 judges of the Mechanism. The candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-member States maintaining permanent observer missions at United Nations Headquarters shall be declared elected. Should

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more than two candidates of the same nationality obtain the required majority vote, the two who received the highest number of votes shall be considered elected.

Pursuant to article 10, paragraph 1 (a), of the statute, the Legal Counsel sent a letter on my behalf on 23 June 2011 to Member States and non-member States maintaining permanent observer missions inviting nominations within 60 days of the invitation. As the number of nominations received by the deadline of 22 August 2011 was insufficient, the Assistant Secretary-General for Legal Affairs sent another letter on 24 August 2011 indicating that the deadline was extended to 16 September 2011. By the extended deadline, 35 candidates had been nominated by 28 Member States. The Security Council may also wish to consider the nomination by Serbia of Ms. Olivera Andjelkovic and Ms. Tatjana Vukovic, which was received after the extended deadline.

In accordance with article 10, paragraph 1 (c), of the statute, I have the honour to forward for the consideration of the Security Council the 37 nominations that were received. In this connection, I would like to draw the attention of the Security Council to article 9 of the statute, which provides as follows:

1. The judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. Particular account shall be taken of experience as judges of the International Tribunal for the Former Yugoslavia or the International Criminal Tribunal for Rwanda.

2. In the composition of the Trial and Appeals Chambers, due account shall be taken of the experience of the judges in criminal law, international law including international humanitarian and human rights law.

As stated in article 10, paragraph 3, of the statute, the judges of the Mechanism shall be elected for a term of four years and shall be eligible for reappointment by the Secretary-General after consultation with the Presidents of the Security Council and the General Assembly.

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon